

TCEQ DOCKET NO. 2005-1336-MWD-E

IN THE MATTER OF  
AN ENFORCEMENT ACTION  
AGAINST  
BORAAS PROPERTIES, INC.;  
TPDES PERMIT NO. 0013325001;  
RN102915527

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2006 SEP 25 PM 4:03

BEFORE THE  
CHIEF CLERK'S OFFICE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

**EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION  
RECOMMENDING THAT  
THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
ENTER AN ENFORCEMENT ORDER ASSESSING AN ADMINISTRATIVE PENALTY  
AGAINST BORAAS PROPERTIES, INC.**

**INTRODUCTION**

1. The Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ"), by and through a representative of the Litigation Division, hereby issues this Preliminary Report and Petition pursuant to TEX. WATER CODE § 7.054 and chs. 5, 7, and 26, and 30 TEX. ADMIN. CODE chs. 70 and 305. Discovery related to this matter is intended to be conducted under Level 3 pursuant to TEX. R. CIV. P. 190.
2. Boraas Properties, Inc. ("Boraas Properties") is subject to the enforcement authority of the Commission pursuant to TEX. WATER CODE § 7.002 because the violations alleged herein are within the Commission's general jurisdiction, pursuant to TEX. WATER CODE § 5.013, as they involve violations of the state's wastewater program.
3. The Executive Director has come to the conclusion that Boraas Properties has violated TEX. WATER CODE §§ 5.702 and 26.121(a), 30 TEX. ADMIN. CODE §§ 21.4 and 305.125(1), and TPDES Permit No. 0013325001, Effluent Limitations and Monitoring Requirements Nos. 1, 3 and 6. The Executive Director recommends that the Commission enter an order assessing an administrative penalty against Boraas Properties in the amount of eleven thousand three hundred eighty-five dollars (\$11,385.00).

**FACTS SUPPORTING VIOLATIONS**

4. On the date of the violations, Boraas Properties owned and operated a wastewater facility located approximately 1000 feet west and 1800 feet north of the intersection of Farm-to-Market Road 1417 and Farm-to-Market Road 691, Dallas, Grayson County, Texas (the "Facility"). The Facility discharged waste into or adjacent to any water in the state or

committed another act that has caused or will cause pollution of any water in the state under the Texas Water Code.

5. During a record review conducted on May 13, 2005, a member of the TCEQ Central Office staff documented that Boraas Properties violated the following requirements:
  - a. 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a) and TPDES Permit No. 0013325001, Effluent Limitations and Monitoring Requirements Nos. 1, 3 and 6, by failing to comply with permitted effluent limits during February, March, April, May, June, July, August, September, November and December 2004; and
  - b. 30 TEX. ADMIN. CODE § 21.4 and TEX. WATER CODE § 5.702, by failing to pay consolidated water quality assessment fees for fiscal years 2003, 2004 and 2005 for TCEQ Financial Administration Account No. 23003882.

#### **IMPOSITION OF PENALTY**

6. Based on the facts supporting the violations, the Executive Director recommends that an administrative penalty be imposed pursuant to TEX. WATER CODE § 7.051. The Commission has the authority to assess an administrative penalty of up to \$10,000.00 for each day of each violation under TEX. WATER CODE § 7.052.

#### **AMOUNT OF PENALTY**

7. In determining the amount of the penalty, the Commission is required by TEX. WATER CODE § 7.053 to consider:
  - a. the nature, circumstances, extent, duration, and gravity of the prohibited act, with special emphasis on the impairment of existing water rights or the hazard or potential hazard created to the health or safety of the public;
  - b. the impact of the violation on:
    - i. air quality in the region;
    - ii. a receiving stream or underground water reservoir;
    - iii. instream uses, water quality, aquatic and wildlife habitat, or beneficial freshwater inflows to bays and estuaries; or
    - iv. affected persons;

- c. with respect to the alleged violator:
    - i. the history and extent of previous violations;
    - ii. the degree of culpability, including whether the violation was attributable to mechanical or electrical failures and whether the violation could have been reasonably anticipated and avoided;
    - iii. the demonstrated good faith, including actions taken by the alleged violator to rectify the cause of the violation and to compensate affected persons;
    - iv. economic benefit gained through the violation; and
    - v. the amount necessary to deter future violations; and
  - d. any other matters that justice may require.
8. Based on the facts supporting the violations, and having considered the above-described factors, the Executive Director recommends that Boraas Properties be required to pay an administrative penalty in the amount of eleven thousand three hundred eighty-five dollars (\$11,385.00).
9. The penalty calculation worksheet ("PCW") for the recommended administrative penalty is attached hereto and incorporated herein by reference ("Attachment A"). The PCW sets forth each alleged violation and the statutory factors the Executive Director considered in determining the recommended administrative penalty.
10. The Executive Director followed an established Penalty Policy approved by the Commission in calculating the penalty in this enforcement action. See Texas Commission on Environmental Quality Penalty Policy (September 1, 2002).

#### **CORRECTIVE ACTION ORDERING PROVISIONS**

11. Pursuant to TEX. WATER CODE § 7.073, if a person violates any statute or rule within the Commission's jurisdiction, the Commission may order the person to take corrective action.
12. The Executive Director recommends that Boraas Properties be required to submit payment within 30 days after the effective date of the Commission's Order of all outstanding consolidated water quality assessment fees, including any associated penalties and interest and with the notation, "Boraas Properties, Inc.—Financial Administration Account No. 23003882" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

**RESPONDENT'S RIGHTS AND RESPONSIBILITIES**

13. According to TEX. WATER CODE § 7.056 and the TCEQ's procedural rules, Boraas Properties has a right to a hearing on the occurrence of the violations or the amount of the proposed penalty, or both. To preserve this right to a hearing, within 20 days after the day Boraas Properties receives this Preliminary Report and Petition, Boraas Properties must submit a written response to the Executive Director in accordance with TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105(a).

PRAYER

14. **ACCORDINGLY**, the Executive Director respectfully requests that the Commission enter an order, pursuant to TEX. WATER CODE chs. 5, 7 and 26, assessing a penalty and granting other relief as requested above, together with any other relief the Commission finds appropriate.

Respectfully submitted,

Texas Commission on Environmental Quality

Glenn Shankle  
Executive Director

Stephanie Bergeron Perdue, Acting Deputy Director  
Office of Legal Services

Mary R. Risner, Acting Division Director  
Litigation Division

By Shana L. Horton  
Shana L. Horton  
Attorney  
State Bar of Texas No. 24041131  
Litigation Division, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087  
(512) 239-1088  
(512) 239-3434 (fax)

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
**CERTIFICATE OF SERVICE**

2006 SEP 25 PM 4:04

I hereby certify that on this 25<sup>th</sup> day of September, 2006, the original of the foregoing "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against Boraas Properties, Inc." ("EDPRP") was filed with the Chief Clerk, Texas Commission on Environmental Quality, Austin, Texas.

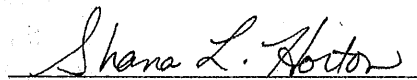
I further certify that on this day a true and correct copy of the foregoing EDPRP was mailed via Certified Mail, Return Receipt Requested, and via First Class Mail, postage prepaid, to:

Mr. Brian Boraas, President  
Boraas Properties, Inc.  
614 Goliad Drive  
Dallas, Texas 75248  
ARTICLE # 7004 2510 0003  
9114 0195

I further certify that on this day a true and correct copy of the foregoing EDPRP was hand-delivered to the Office of the Public Interest Counsel, Texas Commission on Environmental Quality, Austin, Texas.

I further certify that on this day a true and correct copy of the foregoing EDPRP was mailed via Interagency mail to:

Judge Stephen Pacey  
State Office of Administrative Hearings  
300 W. 15<sup>th</sup> Street  
Austin, Texas 78701



Shana L. Horton  
Attorney  
Litigation Division  
Texas Commission on Environmental Quality

## **Attachment A**

### **Penalty Calculation Worksheet**



Policy Revision 2 (September 2002)

## F Penalty Calculation Worksheet (PC)

PCW Revision May 19, 2005

<b>DATES</b>	<b>Assigned</b>	25-Jul-2005	<b>Screening</b>	02-Aug-2005	<b>EPA Due</b>	
	<b>PCW</b>	09-Dec-2005				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Boraas Properties, Inc.
<b>Reg. Ent. Ref. No.</b>	RN102915527
<b>Facility/Site Region</b>	4-Dallas/Fort Worth
<b>Major/Minor Source</b>	Minor Source

<b>CASE INFORMATION</b>	
<b>Enf./Case ID No.</b>	26386
<b>Docket No.</b>	2005-1336-MWD-E
<b>Media Program(s)</b>	Water Quality
<b>Multi-Media</b>	
<b>Admin. Penalty \$ Limit Minimum</b>	\$0
<b>Maximum</b>	\$10,000
<b>No. of Violations</b>	3
<b>Order Type</b>	1660
<b>Enf. Coordinator</b>	Ruben Soto
<b>EC's Team</b>	Enforcement Team 1

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$5,500
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the Indicated percentage.

<b>Compliance History</b>	132% Enhancement	<b>Subtotal 2, 3, &amp; 7</b>	\$7,260
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**Notes** The Respondent self-reported 25 months of effluent violations, has one Commission-issued NOV with same or similar violations and one Commission-issued NOV without same or similar violations.

<b>Culpability</b>	No	0% Enhancement	<b>Subtotal 4</b>	\$0
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**Notes** The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5</b>	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

**Notes** The Respondent is not yet in compliance.

<b>Economic Benefit</b>	0% Enhancement	<b>Subtotal 6</b>	\$0
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<b>Total EB Amounts</b>	\$135
<b>Approx. Cost of Compliance</b>	\$1,200

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$12,760
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	11% Reduction	<b>Adjustment</b>	-\$1,375
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

**Notes** Recommend reduction in the penalty so that monthly self-reported violations do not overly impact the penalty amount.

**Final Penalty Amount** \$11,385

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$11,385
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<b>DEFERRAL</b>		<b>Reduction</b>	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes** Not an expedited case, therefore, a deferral is not recommended.

<b>PAYABLE PENALTY</b>	\$11,385
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Screening Date 02 j-2005

Docket No. 2005-1336-MV

PCW

Respondent Boraas Properties, Inc.

Policy Revision 2 (September 2002)

Case ID No. 26386

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102915527

Media [Statute] Water Quality

Enf. Coordinator Ruben Soto

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	26	130%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 132%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

The Respondent self-reported 25 months of effluent violations, has one Commission-issued NOV with same or similar violations and one Commission-issued NOV without same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 132%

<b>Screening Date</b> 07-1-2005		<b>Docket No.</b> 2005-1336-MV		<b>PCW</b>	
<b>Respondent</b> Boraas Properties, Inc.		<small>Policy Revision 2 (September 2002)</small>			
<b>Case ID No.</b> 26386		<small>PCW Revision May 19, 2005</small>			
<b>Reg. Ent. Reference No.</b> RN102915527					
<b>Media [Statute]</b> Water Quality					
<b>Enf. Coordinator</b> Ruben Soto					
<b>Violation Number</b>		1			
<b>Primary Rule Cite(s)</b>		30 Texas Admin. Code § 305.125(1) and TPDES Permit No. 13325001, Effluent Limitations and Monitoring Requirements Nos. 1, 3 and 6.			
<b>Secondary Rule Cite(s)</b>		Tex. Water Code § 26.121(a)			
<b>Violation Description</b>		Failure to comply with permitted effluent limits during February, March, April, May, June, July, August and September 2004. See attached chart.			
<b>Base Penalty</b>					\$10,000

**>> Environmental, Property and Human Health Matrix**

		<b>Harm</b>			
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
<b>OR</b>	<b>Actual</b>			X	<b>Percent</b> 10%
	<b>Potential</b>				

**>> Programmatic Matrix**

	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
					<b>Percent</b>

**Matrix Notes**

A simplified model was utilized to evaluate the values for 5-day biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded protective levels. Dissolved oxygen and pH levels were also considered. The amounts discharged at the time of the violations were insignificant and did not exceed protective levels.

<b>Adjustment</b>					-\$9,000
<b>Base Penalty Subtotal</b>					\$1,000

**Violation Events**

**Number of Violation Events** 3

<small>mark only one use a small x</small>	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

**Violation Base Penalty** \$3,000

Three quarterly events are recommended.

<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>	\$135	<b>Violation Final Penalty Total</b>	\$6,210
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$6,210	

**Economic Benefit Worksheet**

Respondent Boraas Properties, Inc.  
Case ID No. 26386  
Reg. Ent. Reference No. RN102915527  
Media [Statute] Water Quality  
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,200	28-Feb-2004	31-May-2006	2.3	\$135	n/a	\$135

Notes for DELAYED costs

Estimated cost for additional oversight and sampling which may have alleviated or prevented the noncompliance. Date required is the first month of noncompliance. Final date is the date of projected compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,200

TOTAL \$135

<b>Screening Date</b> 02 -2005	<b>Docket No.</b> 2005-1336-MV	<b>PCW</b>
<b>Respondent</b> Boraas Properties, Inc.	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 26386	<i>PCW Revision May 19, 2005</i>	
<b>Reg. Ent. Reference No.</b> RN102915527		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> Ruben Soto		
<b>Violation Number</b> <input type="text" value="2"/>		
<b>Primary Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 21.4"/>	
<b>Secondary Rule Cite(s)</b>	<input type="text" value="Tex. Water Code § 5.702"/>	
<b>Violation Description</b>	<input type="text" value="Failure to pay consolidated water quality assessment fees for fiscal years 2003, 2004 and 2005 for TCEQ Financial Administration Account No. 23003882, as documented during a record review conducted on August 2, 2005."/>	
<b>Base Penalty</b>		<input type="text" value="\$10,000"/>

**>> Environmental, Property and Human Health Matrix**

		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>

**Matrix Notes**

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

**Violation Base Penalty**

No additional administrative penalty was calculated for this violation as penalties and/or interest will be assessed by the Financial Administration Division on the next billing cycle.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <input type="text" value="\$0"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$0"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$0"/>	

**Economic Benefit Worksheet**

Respondent Boras Properties, Inc.

Case ID No. 26386

Reg. Ent. Reference No. RN102915527

Media [Statute] Water Quality

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Description	No commas or \$						

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

N/A

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

N/A

Approx. Cost of Compliance \$0

TOTAL \$0

Screening Date 02 J-2005

Docket No. 2005-1336-MV

PCW

Respondent Boraas Properties, Inc.

Policy Revision 2 (September 2002)

Case ID No. 26386

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102915527

Media [Statute] Water Quality

Enf. Coordinator Ruben Soto

Violation Number 3

Primary Rule Cite(s)

30 Texas Admin. Code § 305.125(1) and TPDES Permit No. 13325001, Effluent Limitations and Monitoring Requirements No. 1.

Secondary Rule Cite(s)

Tex. Water Code § 26.121(a)

Violation Description

Failure to comply with permitted effluent limits during November and December 2004. See attached chart.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		X		25%
Potential				

## &gt;&gt; Programmatic Matrix



Adjustment -\$7,500

Base Penalty Subtotal \$2,500

## Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$5,175

This violation Final Assessed Penalty (adjusted for limits) \$5,175

**Economic Benefit Worksheet**

Respondent Boraas Properties, Inc.  
 Case ID No. 26386  
 Reg. Ent. Reference No. RN102915527  
 Media [Statute] Water Quality  
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or \$)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The economic benefit for this violation is included in the economic benefit calculation for violation No. 1.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

Effluent Limit Violation Table	
Respondent	Boraas Properties, Inc.
ID Number(s)	TPDES Permit No. 13325001
Docket Number	2005-1336-MWD-E
Enforcement Coordinator	Ruben Soto
Corresponds to Violation Number:	1 and 3

**EFFLUENT PARAMETER**  
**Permit Limit**

Month/ Year	DO monthly min conc limit=4.0 mg/L	BOD <sub>5</sub> daily avg loading limit=3.4 lbs/day	BOD <sub>5</sub> daily avg conc limit=30 mg/L	BOD <sub>5</sub> single grab max conc limit=100 mg/L	pH max limit=9.0 su	TSS daily avg loading limit=10 lbs/day	TSS daily avg conc limit=90 mg/L	Flow daily avg limit=0.0135 MGD
February 2004	c	c	38.25	c	10.46	c	139.75	c
March 2004	c	c	c	c	9.93	c	c	c
April 2004	c	c	c	c	9.70	c	c	c
May 2004	2.2	c	35	c	9.62	c	c	c
June 2004	c	c	c	c	9.3	c	c	c
July 2004	c	c	54.5	c	10.1	c	214.9	c
August 2004	1.1	c	40.37	108	9.6	c	c	c
September 2004	2.7	c	c	c	9.9	c	c	c
November 2004	c	8.1	c	c	c	19	c	.022
December 2004	c	4.5	c	c	c	c	c	c

Name	Abbreviation
dissolved oxygen	DO
5-day biochemical oxygen demand	BOD <sub>5</sub>
total suspended solids	TSS
average	avg
concentration	conc
milligrams per liter	mg/L
pounds per day	lbs/day
standard units	su
million gallons per day	MGD
compliant (no excursions)	c